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6 **BEFORE THE**  
7 **BOARD OF REGISTERED NURSING**  
8 **DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-342

11 **NIDENIA RAE WILLIAMS**

12 28007 Newfield Ct.  
13 Saugus, CA 91350

**DEFAULT DECISION AND ORDER**

14 Registered Nurse License No. 528285

[Gov. Code, §11520]

15 Respondent.

16 **FINDINGS OF FACT**

17 1. On or about December 2, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her  
18 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
19 Consumer Affairs, filed Accusation No. 2012-342 against Nidenia Rae Williams ("Respondent")  
before the Board of Registered Nursing. (Accusation attached as **Exhibit A.**)

20 2. On or about December 5, 1996, the Board of Registered Nursing ("Board") issued  
21 Registered Nurse License No. 528285 to Respondent. The Registered Nurse License expired on  
22 July 31, 2006, and has not been renewed.

23 3. On or about December 2, 2011, Respondent was served by Certified and First Class  
24 Mail copies of the Accusation No. 2012-342, Statement to Respondent, Notice of Defense,  
25 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
26 and 11507.7) at Respondent's address of record which, pursuant to California Code of  
27 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board,  
28 which was and is:

28007 Newfield Ct.  
Saugus, CA 91350.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions Code section 124.

5. On or about December 27, 2011, Respondent failed to file a timely Notice of Defense.

6. Government Code section 11506 states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

7. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-342.

8. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2012-342, finds that the charges and allegations in Accusation No. 2012-342, are separately and severally, found to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$485.00 as of December 27, 2011.

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**DETERMINATION OF ISSUES**

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2       1.     Based on the foregoing findings of fact, Respondent Nidenia Rae Williams has  
3 subjected her Registered Nurse License No. 528285 to discipline.

4       2.     The agency has jurisdiction to adjudicate this case by default.

5       3.     The Board of Registered Nursing is authorized to revoke Respondent's Registered  
6 Nurse License based upon the following violations alleged in the Accusation which are supported  
7 by the evidence contained in the Default Decision Evidence Packet in this case:

8       a.     Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of  
9 the Code on the grounds of unprofessional conduct in that she was disciplined by the Nevada  
10 State Board of Nursing for diverting Dilaudid and for failing to comply with the terms and  
11 conditions contained in the Contract for Temporary Voluntary Surrender of License. The  
12 discipline is described in more particularity in Accusation No. 2012-342, inclusive and herein  
13 incorporated by reference.

14       b.     Respondent is subject to disciplinary action under section 2761, subdivision (a) of the  
15 Code on the grounds of unprofessional conduct in that she diverted Dilaudid. The discipline is  
16 described in more particularity in Accusation No. 2012-342, inclusive and herein incorporated by  
17 reference.

18       c.     Respondent is subject to disciplinary action under section 2762, subdivisions (a) and  
19 (e) of the Code for diverting Dilaudid, a controlled substance, in violation of the law. The  
20 discipline is described in more particularity in Accusation No. 2012-342, inclusive and herein  
21 incorporated by reference.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 528285, heretofore issued to Respondent Nidenia Rae Williams, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 31, 2012.

It is so ORDERED August 3, 2012

*Raymond Mallet*

FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

51062285.DOC  
DOJ Matter ID:LA2011505320

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 KATHERINE MESSANA  
Deputy Attorney General  
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6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2012-342*

13 **NIDENIA RAE WILLIAMS**

14 28007 Newfield Ct.  
Saugus, CA 91350

**ACCUSATION**

15 Registered Nurse License No. 528285

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about December 5, 1996, the Board of Registered Nursing issued Registered  
23 Nurse License Number 528285 to Nidenia Rae Williams ("Respondent"). The Registered Nurse  
24 License expired on July 31, 2006, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing ("Board"),  
27 Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code ("Code") unless otherwise indicated.

1           4.     Section 2750 of the Code provides, in pertinent part, that the Board may discipline  
2 any licensee, including a licensee holding a temporary or an inactive license, for any reason  
3 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4           5.     Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
5 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
6 licensee or to render a decision imposing discipline on the license.

7           6.     Sections 118 subdivision (b) of the Code also grants the Board jurisdiction over  
8 suspended, expired, forfeited, cancelled, or surrendered licenses:

9                     "The suspension, expiration, or forfeiture by operation of law of a license  
10 issued by a board in the department, or its suspension, forfeiture, or cancellation by  
11 order of the board or by order of a court of law, or its surrender without the written  
12 consent of the board, shall not, during any period in which it may be renewed,  
13 restored, reissued, or reinstated, deprive the board of its authority to institute or  
continue a disciplinary proceeding against the licensee upon any ground provided by  
law or to enter an order suspending or revoking the license or otherwise taking  
disciplinary action against the licensee on any such ground."

14          7.     Section 2761 of the Code provides grounds for disciplinary action:

15                     "The board may take disciplinary action against a certified or licensed  
16 nurse or deny an application for a certificate or license for any of the following:

17                     (a) Unprofessional conduct, which includes, but is not limited to, the  
18 following:

19                         (1) Incompetence, or gross negligence in carrying out usual certified or  
20 licensed nursing functions.

21                     ...

22                         (4) Denial of licensure, revocation, suspension, restriction, or any other  
23 disciplinary action against a health care professional license or certificate by another  
state or territory of the United States, by any other government agency, or by another  
California health care professional licensing board. A certified copy of the decision  
or judgment shall be conclusive evidence of that action."

24          8.     Section 2762 of the Code states:

25                     "In addition to other acts constituting unprofessional conduct within the  
26 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a  
person licensed under this chapter to do any of the following:

27                         (a) Obtain or possess in violation of law, or prescribe, or except as  
28 directed by a licensed physician and surgeon, dentist, or podiatrist administer to  
himself or herself, or furnish or administer to another, any controlled substance as  
defined in Division 10 (commencing with Section 11000) of the Health and Safety

Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

(d) Be committed or confined by a court of competent jurisdiction for intemperate use of or addiction to the use of any of the substances described in subdivisions (a) and (b) of this section, in which event the court order of commitment or confinement is prima facie evidence of such commitment or confinement.

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

### **COST RECOVERY**

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Disciplinary Action by the Nevada State Board of Nursing)**

10. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of the Code on the grounds of unprofessional conduct because she was disciplined by the Nevada State Board of Nursing ("Nevada Board"), as follows:

11. On or about November 6, 2006, the Nevada Board issued Findings of Fact, Conclusions of Law, and Order ("Order"), in the disciplinary action entitled, *In the Matter of Nidenia Williams Licensed Professional Nurse Nevada License No. RN47452*. In the Order, the Nevada Board revoked Respondent's Nevada Professional Nurse's License. The conduct underlying the disciplinary action is as follows:

1 a. On or about June 16, 2005, Respondent, as a result of a self-report for diversion  
2 of Dilaudid from her employer, signed a Contract for Temporary Voluntary  
3 Surrender of License ("Contract"). The Nevada Board accepted the Contract on  
4 September 16, 2005. Pursuant to the Contract, Respondent agreed to comply with  
5 certain terms and conditions in the Contract.

6 b. Up until February 2006, Respondent was in compliance with the Contract.  
7 However, after February 2006, Respondent failed to comply with each and every  
8 term and condition of the Contract.

9 12. Under Section 2761 subdivision (a)(4) of the Code, the Nevada Board's disciplinary  
10 action against Respondent for diverting prescription drugs and failing to comply with the Contract  
11 are grounds for the California Board to take disciplinary action.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct)**

14 13. Respondent is subject to discipline under Code section 2761, subdivision (a) of the  
15 Code on the grounds of unprofessional conduct because she diverted Dilaudid, failing to exercise  
16 the learning, skill, or care of a competent registered nurse. The conduct is more particularly  
17 described in paragraphs 10 through 12, inclusive, above, and herein incorporated by reference.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Drug-Related Transgressions)**

20 14. Respondent is subject to disciplinary action under Section 2762, subdivisions (a) and  
21 (e) of the Code for Dilaudid, a controlled substance, in violation of the law. The conduct is more  
22 particularly described in paragraphs 10 through 12, inclusive, above, and herein incorporated by  
23 reference.

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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 528285, issued to Nidenia Rae Williams;
2. Ordering Nidenia Rae Williams to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED:

December 2, 2011

*for*   
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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